

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

GEORGE A. PARSONS,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00784

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION

Pending before the Court are the parties' Motions for Judgment on the Pleadings [Dockets 10 and 13]. By Standing Order entered on August 1, 2006, and filed in this case on December 4, 2007, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 15] on February 23, 2009, recommending that this Court deny Plaintiff's Motion for Judgment on the Pleadings [Docket 10], grant Defendant's Motion for Judgment on the Pleadings [Docket 13], affirm the final decision of the Commissioner, and dismiss this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this

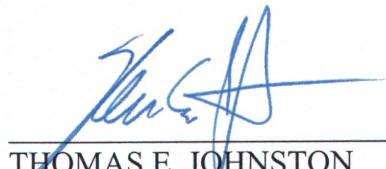
Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by March 12, 2009, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 15] in its entirety, **DENIES** Plaintiff's Motion for Judgment on the Pleadings [Docket 10], **GRANTS** Defendant's Motion for Judgment on the Pleadings [Docket 13], **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this matter from the Court's docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 13, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE